

1 **BOIES SCHILLER FLEXNER LLP**
 2 David Boies (admitted pro hac vice)
 3 333 Main Street
 4 Armonk, NY 10504
 5 Tel: (914) 749-8200
 6 dboies@bsfllp.com
 7 Mark C. Mao, CA Bar No. 236165
 8 Beko Reblitz-Richardson, CA Bar No. 238027
 9 44 Montgomery St., 41st Floor
 10 San Francisco, CA 94104
 11 Tel.: (415) 293-6800
 12 mmao@bsfllp.com
 13 brichardson@bsfllp.com
 14 James Lee (admitted pro hac vice)
 15 Rossana Baeza (admitted pro hac vice)
 16 100 SE 2nd St., 28th Floor
 17 Miami, FL 33131
 18 Tel.: (305) 539-8400
 19 jlee@bsfllp.com
 20 rbaeza@bsfllp.com
 21 Alison L. Anderson, CA Bar No. 275334
 22 M. Logan Wright, CA Bar No. 349004
 23 725 S Figueroa St., 31st Floor
 24 Los Angeles, CA 90017
 25 Tel.: (213) 995-5720
 26 alanderson@bsfllp.com
 27 mwright@bsfllp.com

1 **SUSMAN GODFREY L.L.P.**
 2 Bill Carmody (admitted pro hac vice)
 3 Shawn J. Rabin (admitted pro hac vice)
 4 Steven M. Shepard (admitted pro hac vice)
 5 Alexander Frawley (admitted pro hac vice)
 6 Ryan Sila (admitted pro hac vice)
 7 1301 Avenue of the Americas, 32nd Floor
 8 New York, NY 10019
 9 Tel.: (212) 336-8330
 10 bcarmody@susmangodfrey.com
 11 srabin@susmangodfrey.com
 12 sshepard@susmangodfrey.com
 13 afrawley@susmangodfrey.com
 14 rsila@susmangodfrey.com

15 Amanda K. Bonn, CA Bar No. 270891
 16 1900 Avenue of the Stars, Suite 1400
 17 Los Angeles, CA 90067
 18 Tel.: (310) 789-3100
 19 abonn@susmangodfrey.com

MORGAN & MORGAN

20 John A. Yanchunis (admitted pro hac vice)
 21 Ryan J. McGee (admitted pro hac vice)
 22 Michael F. Ram, CA Bar No. 104805
 23 201 N. Franklin Street, 7th Floor
 24 Tampa, FL 33602
 25 Tel.: (813) 223-5505
 26 jyanchunis@forthepeople.com
 27 rmcghee@forthepeople.com
 28 mram@forthepeople.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 ANIBAL RODRIGUEZ, SAL CATALDO,
 2 JULIAN SANTIAGO, and SUSAN LYNN
 3 HARVEY individually and on behalf of all
 4 other similarly situated,

5 Plaintiffs,
 6
 7 vs.
 8
 9 GOOGLE LLC,
 10
 11 Defendant.

12 Case No.: 3:20-cv-04688-RS

**DECLARATION OF RYAN MCGEE IN
 SUPPORT OF PLAINTIFFS'
 ADMINISTRATIVE MOTION TO SEAL
 PORTIONS OF MOTION FOR CLASS
 CERTIFICATION**

13 Judge: Hon. Richard Seeborg
 14 Courtroom 3 – 17th Floor
 15 Date: October 5, 2023
 16 Time: 1:30 p.m.

DECLARATION OF RYAN MCGEE

I, Ryan McGee, declare as follows.

1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 13. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' administrative motion to seal portions of their motion for class certification. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.

3. Plaintiffs respectfully request that the Court seal:

- a. Portions of paragraphs 149, 152, 182, 191, 192, 244, and 246 of the March 22, 2023 Expert Report of Jonathan Hochman (“Hochman Report”), which contain information related to the Plaintiffs, including identifiers.
- b. The entirety of Appendices A, B.1, B.2, C, D, and K of the Hochman Report, which contain information related to the Plaintiffs, including identifiers.

4. The information requested to be sealed is being designated by Plaintiffs as “Confidential” pursuant to the parties’ Stipulated Protective Order (Dkt. 70).

5. Specifically, the portions sought to be sealed associate one of the named Plaintiffs with various identifiers. *E.g.*, Hochman Report ¶ 192 (discussing a named Plaintiff's phone number, zip code, and device information). In other cases, Plaintiffs seek to seal spreadsheets containing and analyzing records produced from Google's logs, which Plaintiffs expect Google will in any event seek to seal.

6. Similar requests to seal were granted in *Calhoun v. Google LLC*, No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs' web browsing history and information), and *Brown v. Google LLC*, No. 4:20-cv-03664-YGR (N.D. Cal.), Dkt. 804 (sealing *Brown* plaintiffs' web browsing history and information).

1 7. If the Court were to deny sealing this information, Plaintiffs could be subjected to
2 a heightened risk of injury, including identity theft. I was personally involved at all stages of the
3 litigation in *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.) including expert
4 discovery and related motions practice. I personally presented plaintiffs' tutorial before Judge
5 Alsup with two cybersecurity experts (one of whom served as plaintiffs' testifying expert) to
6 discuss data breaches and exploitation of personal information. No. 3:18-cv-05982-WHA, Dkts.
7 20, 65.

8 8. I also personally defended the expert deposition of the testifying cybersecurity
9 expert, and I personally argued the *Daubert* motions that Facebook filed against our experts. The
10 information Plaintiffs seek to seal here is of substantially the same type of information that can be
11 used to gain unauthorized access to personal accounts.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed this 20th day of July, 2022, at New York, New York.

/s/ Ryan McGee